

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-15 are canceled and claims 16-22 are withdrawn from further consideration. Claim 23 has been amended. Claims 23-27 are pending.

Claims 23-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Arndt. This rejection is respectfully traversed.

Claim 23 has been amended to recite features of the fuel injector in the body of the claim instead of in the preamble.

Claim 23 recites that the seat has a seat orifice and a first channel surface extending obliquely to the longitudinal axis, the metering disc including a second channel surface confronting the first channel surface so as to provide a flow channel. The Examiner has not identified these surfaces in Arndt. To further clarify this flow channel, claim 23 has been amended to recite that the flow channel is separate from but in communication with the seat orifice and the metering orifices are in communication with the flow channel.

The Examiner considers the "flow channel" of Arndt to be the "channel between '36' and '38'". However, as shown in FIG. 3 of Arndt, the channel 42 between inlet 36 and outlet 38 is defined only by the metering disc 23. This is not a channel defined by a surface of the metering disc that confronts an oblique surface of the seat of the fuel injector as required by claim 23. Channel 42 of Arndt has nothing to do with the seat 16 of the injector and is thus not defined by a surface of the seat 16. There is simply no flow channel between the metering disc 23 and seat 16 of Arndt since the upper surface of the metering disc 23 abuts the lower (non oblique) surface of the seat 16 with no gap or channel there-between.

Thus, the rejection of claim 23 and the claims that depend therefrom should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim."

Peterson, Jr. -- Application No. 10/807,336

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Stemberger", written in a cursive style.

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